

Reply to Office Action dated July 11, 2005

REMARKS

Claims 7-18 and 21-31 are pending in this application. By this Amendment, claims 7, 21, and 27 are amended. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

The Examiner is thanked for the indication that claims 8-18 are allowed.

Regarding the Information Disclosure Statement filed June 14, 2005, a copy of a translation of the reference is attached hereto, along with a revised form PTO-1449. Accordingly, it is respectfully requested that the Examiner consider the reference, and return an initialed and signed copy of the form PTO-1449 to Applicants.

The Office Action rejected claim 7 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 has been amended to address the Examiner's comments. Accordingly, the rejection is obviated and should be withdrawn.

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The Office Action rejected claims 7, and 21-31 under 35 U.S.C. §102(b) as being anticipated by Kohsaka, U.S. Patent No. 4,584,732. The rejection is respectfully traversed.

Independent claim 7 has been amended to recite, *inter alia*, a lower tub cover positioned under the upper tub cover spaced therefrom and fastened to the upper tub cover by at least one height adjusting member configured to adjust a space between the upper tub cover and the lower tub cover, thereby forming washing water passages between the upper tub cover and the lower tub cover. Independent claim 21 has been amended to recite, *inter alia*, a lower tub cover configured to be positioned under the upper tub cover spaced therefrom and configured to be fastened to the upper tub cover, thereby forming at least one washing water passage between the upper tub cover and the lower tub cover, wherein the upper tub cover and the lower tub cover are similar in shape, and wherein the at least one washing water passage guides washing water into an inner tub of the washing machine. Independent claim 27 has been amended to recite, *inter alia*, a lower cover configured to be positioned under the upper cover spaced therefrom and configured to be fastened to the upper cover, thereby forming at least one washing water passage between the upper cover and the lower cover, wherein the at least one washing water passage guides washing water into an inner tub of the washing machine. Kohsaka does not disclose or suggest such features, or the respective claimed combinations of independent claims 7, 21, and 27.

Rather, Kohsaka discloses a liquid-sealed balance ring 19 which includes upper and lower portions and these portions are connected by vertical members. However, the vertical members

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do not adjust a space between the upper and lower portions. Accordingly, Kohsaka fails to disclose at least one height adjusting member configured to adjust a space between upper and lower tub covers, as recited in independent claim 7.

In addition, the liquid-sealed balance ring or tub cover 19 has a liquid passage formed between the upper and lower portions thereof. However, as show in Fig 1, liquid merely circulates within the liquid-sealed balance ring or tub cover 19 along the liquid passage, and there is no disclosure that the liquid flows into an inner tub guided by the liquid passage. Further, the Examiner pointed out that Kohsaka includes a water passage 15 allowing washing water from the outer tub into inner tub. However, the water passage 15 is formed substantially separate from the liquid-sealed balance ring or tub cover 19 and thus is not formed between the upper and lower portions of the liquid-sealed balance ring or tub cover 19. Therefore, Kohsaka fails to disclose at least one washing water passage formed between the upper and lower tub covers that guides washing water into an inner tub, as recited in independent claims 21 and 27.

Accordingly, the rejection of independent claims 7, 21, and 27 over Kohsaka should be withdrawn. Dependent claims 22-26 and 28-31 are allowable over Kohsaka for at least the reasons discussed above with respect to independent claims 21 and 27, from which they respectively depend, as well as for their additional features.

The Office Action rejected claims 7 and 21-31 under 35 U.S.C. §103(a) as being unpatentable over Lee et al. (hereinafter "Lee"), U.S. Patent No. 5,509,283. The rejection is respectfully traversed.

In the Office Action, the Examiner asserted that Lee discloses all of the features of independent claims 7, 21, and 27 except that Lee does not explicitly disclose that all of the components are separate parts configured to fasten together. The Examiner then concludes that “[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lower tub cover and wash tub of Lee into separate component, since ... constructing a formerly integral structure in various elements involves only routine skill in the art.”

More specifically, the Examiner alleged that a basket 30 of Lee includes inner and outer tub portions forming a water passage 76, and a tub cover of Lee has an upper tub cover 50 and a lower tub cover (top of 71). Therefore, the Examiner appears to consider member 71 to be the inner tub relative to the basket 30. However, as shown in Figs. 2 and 5, the member 71 is merely a portion of a channel 70 disposed within the basket 30. The channel 70 and member 71 extend vertically, but do not extend circumferentially along an entire wall portion of the basket 30. Thus, the channel 70 and member 71 fail to define any tub structure (i.e., a container structure) configured to accommodate washing water and laundry therein. That is, the basket 30 of Lee fails to have any substantial inner tub. Rather, the basket 30 corresponds to an inner tub in view of water container 20, which houses the basket 30. For these reasons, contrary to the assertions of the Examiner, the balance ring, or upper tub cover 50 is provided to the basket 30, or inner tub. Accordingly, Lee fails to disclose or suggest an upper cover configured to be fastened to the

outer tub and a lower cover configured to be fastened to the upper cover, as recited in claims 7, 21, and 27.

Additionally, the Examiner asserted that vertically spaced members are provided between the upper tub cover 50 and the lower tub cover (top of member 71) and thus corresponds to the claimed height adjusting member. However, the vertically spaced members do not adjust a space between the upper and lower tub covers, as recited in independent claim 7. Furthermore, the passage 76 of Lee allows the washing water to circulate only within the inner tub, since the basket 30 does not further include any inner tub structure. Therefore, Lee fails to disclose at least one washing water passage formed between the upper and the lower covers that guides the washing water into an inner tub, as recited in independent claims 21 and 27.

Accordingly, the rejection of claims 7, 21, and 27 over Lee should be withdrawn. Dependent claims 22-26 and 28-31 are allowable over Lee for at least the reasons discussed above with respect to independent claims 21 and 27, from which they respectively depend, as well as for their additional features.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

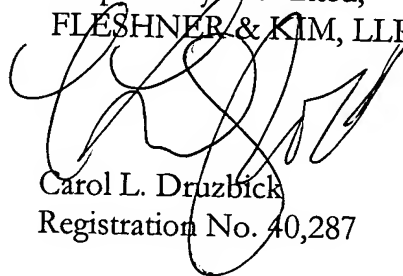
Serial No. **10/607,549**

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Docket No. **K-0103C**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carol L. Druzbeck
Registration No. 40,287

Attachments: Revised PTO-1449

JP Patent No. 54-122663

Translation of JP Patent No. 54-122663

P.O. Box 221200

Chantilly, Virginia 20153-1200

703 766-3701 CLD/kah

Date: December 12, 2005

Please direct all correspondence to Customer Number 34610